

111TH CONGRESS
2D SESSION

H. R. 4954

To amend title 35, United States Code, to provide recourse under the patent law for persons who suffer competitive injury as a result of false markings.

IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 2010

Mr. ISSA (for himself, Mr. BOUCHER, Mr. SMITH of Texas, Mr. CONYERS, Mr. COBLE, Mr. COHEN, Mr. FRANKS of Arizona, and Mr. DANIEL E. LUNGREN of California) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 35, United States Code, to provide recourse under the patent law for persons who suffer competitive injury as a result of false markings.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FALSE MARKING.**

4 (a) IN GENERAL.—Subsection (b) of section 292 of
5 title 35, United States Code, is amended to read as fol-
6 lows:

7 “(b) A person who has suffered a competitive injury
8 as a result of a violation of this section may file a civil

1 action in a district court of the United States for recovery
2 of damages adequate to compensate for the injury.”.

3 (b) EFFECTIVE DATE.—The amendment made by
4 subsection (a) shall apply to all cases, without exception,
5 pending on or after the date of the enactment of this Act.

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